REMARKS

Applicants thank the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 44-45, 48-52, 55-58, and 63-75 are pending in this application. Claims 44, 51, 56 and 64 are independent claims. Claims 1-43, 46-47, 53-54 and 59-62 were previously cancelled without prejudice or disclaimer. Reconsideration and allowance of the present application are respectfully requested.

Summary of Examiner Interview

Initially, Applicants wish to thank Examiner Gelin for his time at the telephone interview of November 10, 2010, the contents of which are summarized below.

The initial focus of the interview was on the independent claims and the application of Turnbull et al. in the rejections of these claims. Applicants' position is that Turnbull et al. switches between two devices (a hand-held device and a device incorporated into a vehicle, where the latter provides hands-free operation), whereas the claim language in all of the independent claims states, "hands-free operation of the wireless device" (i.e., the wireless device being referred to earlier in these claims). The Examiner's position is that in Turnbull et al., a wireless coupling of some sort alleged effectively creates a single device. No agreement was reached on this issue, and Applicants respectfully continue to disagree.

Applicants also maintain that Claim 48 contains allowable subject matter because the cited references fail to teach "measuring a signal strength," as recited in Claim 48. The Examiner explained that the Office Action alleges that this is "inherent" in Turnbull et al. at col. 27, lines 15-27 because of the discussion of "hand-off" in this passage. However, Applicants pointed out that "hand-off" in this passage has nothing to do with a signal strength measurement, but rather is triggered by various events, as discussed at col. 27, lines 20-34, which events are unrelated to signal strength measurement. The Examiner was non-committal regarding this question, and so no agreement was reached on this issue.

The Examiner, however, did say that incorporation of elements such as those found in Claim 66, for example, would "advance the prosecution." Applicants agreed to consider such amendments, but again, no agreement was reached.

Claim Rejections Under 35 U.S.C. §103

Claims 44, 45, 48-52, 55-58, 63-70 and 74 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0055560 to Phillips (hereinafter "Phillips") in view of U.S. Patent No. 7,772,966 to Turnbull et al. (hereinafter "Turnbull et al."). This rejection is respectfully traversed for at least the following reasons.

Independent Claim 44 includes the following:

> monitoring a relationship between a wireless device and a vehicle by evaluating geographical location information that specifies a geographical location of the wireless device and that specifies a geographical location of the vehicle, wherein the geographical location information is generated for each of the wireless device and the vehicle by at least one location system, to determine the relationship by comparing the geographical location of the wireless device to the geographical location of the vehicle; and
>
> enabling operation of the wireless device in a hands-free mode if the relationship satisfies a condition.

Independent Claims 51, 56, and 64, although of varying scopes, contain similar recitations. Applicants note that the claim language specifically discusses "a wireless device" and "the wireless device," i.e., the claim language never refers to more than one wireless device. However, the Office Action, noting, e.g., page 3, states, "Phillips does not specifically teach enabling operation of the wireless device in a hands-free mode if the relationship satisfies a condition," (with which Applicants agree) and relies upon Turnbull et al., citing col. 5, lines 29-58, col. 27, lines 15-20, and col. 36, lines 29-56, to allegedly teach this claim element. As discussed during the aforementioned interview, Applicants note that Turnbull et al., in the cited sections, discloses an entirely different scenario from what is claimed. In particular, Turnbull et al., in the cited sections, discusses a hands-free telephone incorporated into a (rear-view) mirror of a vehicle, and, e.g., at col. 27, lines 18-20, a user's "portable telephone is disabled and the

hands-free telephone installed within the mirror is activated." Thus, Turnbull et al. fails to teach or suggest "enabling operation of *the* wireless device in a hands-free mode" (emphasis added), as claimed.

Applicants further note that one of ordinary skill in the art at the time the invention was made would not have been able to or have been motivated to combine the teachings of Turnbull et al. with those of Phillips to obtain the claimed invention.

Turnbull et al. is directed to a system for hands-free wireless communication in a vehicle. Phillips is directed to a vehicle location system using a hand-held device. This leads to several issues. These are two disparate systems—communications and vehicle location—which are not apparently combinable, so a skilled artisan would not have looked to one of these references (e.g., Turnbull et al.) to remedy the shortcomings of the other one of these references (e.g., Phillips).

Additionally, Claim 65 recites, "disabling non-hands-free operation of the mobile device if the positional relationship indicates that the mobile device is located within the vehicle," and Claim 66 depends from Claim 65 and further recites, "wherein said disabling non-hands-free operation is limited to a particular region relative to the vehicle;" Claims 67 and 68 and Claims 69 and 70, while of different scopes, contain similar recitations; Claim 74, again of different scope, contains recitations similar to those of Claim 65, and Claim 75 depends from Claim 74. The Office Action, at page 4, alleges that Turnbull et al. teaches these claim elements. However, it is respectfully submitted that merely combining such features of Turnbull et al. into the system of Phillips would likely at least partially destroy the functionality of the Phillips system. In particular, known geolocation systems are not currently capable of providing exact geographical locations; rather, they provide locations to within some tolerance. In the case where the geographical location information indicates that the wireless device is located within the vehicle, it may, in fact, not actually be within the vehicle. Therefore, the non-hands-free functionality of the device may be disabled prior to the user being able to locate the vehicle (that is, the device may be disabled based on the relative locations of the device and the vehicle, even though the user has not yet located the vehicle, which is the purpose of Phillips). Hence, the mere combination likely does not work, and further features, not obvious based on Phillips, Turnbull et al., or their combination, are required (if such features are even possible) to avoid this

malfunction. Hence, it is respectfully submitted that one of ordinary skill in the art would not have combined Phillips and Turnbull et al. as suggested by the Office Action, particularly with respect to Claims 65-70.

Furthermore, with respect to Claims 66, 68, and 70, the Office Action alleges that the elements of Claims 65-70 and 74 may be found in Turnbull et al. at col. 27, lines 15-20 and col. 36, lines 29-56. Office Action at 4. However, the Office Action only states, "Turnbull [et al.] further teaches disabling non-hands-free operation of the mobile device if the positional relation indicates that the wireless device is located within the vehicle." Office Action at 4. The Office Action fails to address the elements of Claims 66, 68, and 70, and Applicants have not found relevant teachings or suggestions in the cited portions of Turnbull et al.

Therefore, Applicants respectfully submit that the Office Action fails to present a *prima facie* case for the obviousness of Claims 44, 45, 48-52, 55-58, 63-70, and 74 (noting that Claims 45, 48-50, 52, 55, 57, 58, 63, 65-70 and 74 variously depend from Claims 44, 51, 56, and 64, so at least the arguments with respect to Claims 44, 51, 56, and 64 apply to these claims, as well) and respectfully request that this rejection of Claims 44, 45, 48-52, 55-58, 63-70 and 74 under 35 U.S.C. §103 be withdrawn.

Claims 71-73 and 75 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Phillips in view of Turnbull et al., and in further view of U.S. Patent No. 6,687,497 to Parvulescu et al. (hereinafter "Parvulescu et al."). This rejection is respectfully traversed for at least the following reasons.

Claims 71-73 and 75 depend, variously, from independent Claims 44, 51, 56, and/or 64. Therefore, the above discussion also applies to Claims 71-73 and 75. Furthermore, Parvulescu et al. fails to address the shortcomings of the combination of Phillips with Turnbull et al. Hence, the Office Action also fails to present a *prima facie* case for the obviousness of Claims 71-73 and 75.

Therefore, Applicants respectfully request that this rejection of Claims 71-73 and 75 under 35 U.S.C. §103 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-00107-US2 from which the undersigned is authorized to draw.

Dated: December 7, 2010

Respectfully submitted,

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